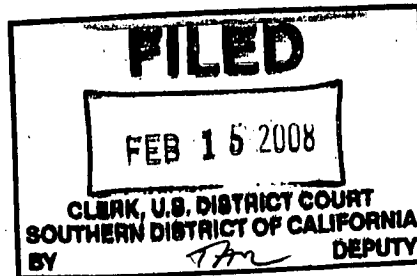


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mariano GARCIA-Barrera,

Defendant.

) Mag. Case No. 08MJ8140

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1324 (a)(1)(A)(ii)

) Illegal Transportation of Aliens

) "AMENDED"

The undersigned complainant, being duly sworn, states:

On or about February 14, 2008, within the Southern District of California, defendant Mariano GARCIA-Barrera with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Constantino Escamilla-Ortiz, Antonio VALENZUELA-Gonzalez, Guillermo MATA-Valles, Alcelmo SANCHEZ-Salazar and Silvia SANCHEZ-Juarez had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Marco A. Miranda
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 15th DAY OF
FEBRUARY 2008.

PETER C. LEWIS
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Mariano GARCIA-Barrera

4 STATEMENT OF FACTS

5 The complaint is being amended to include additional Material Witnesses Silvia
6 SANCHEZ-Juarez and Alcelmo SANCHEZ-Salazar.

7 The complainant states that this complaint is based upon statements in the investigative
8 reports by the apprehending agents, S. Carter, A. Mills, M. Hernandez, and S. Templin that on
9 February 14, 2008, the defendant, Mariano GARCIA-Barrera an illegal alien, was apprehended in
10 Calexico, California, as the driver of a tan 2000 Dodge Intrepid, as he smuggled five (5)
11 undocumented aliens from Mexico, in violation of law.

12 On February 14, 2008, at approximately 6:55 a.m., while conducting surveillance near the
13 Calexico, California East Port of Entry. Agent Carter observed several suspected illegal aliens
14 running north. Agent Carter notified other agents and continued surveillance on the suspected
15 illegal aliens. The group continued north until arriving to a chain link fence and laying down on
16 the ground. One of the subjects stood up and ran back south into Mexico. Several minutes later,
17 the group of suspected illegal aliens climbed over the chain link fence and waited beside the
18 southbound lanes of the Port of Entry. A maroon Dodge Intrepid, traveling on the southbound
19 lanes stopped near the group. Agent Carter observed the group board the Intrepid. The driver,
20 later identified as Mariano GARCIA-Barrera, made a u-turn and began traveling northbound
21 from the Port of Entry. Agent Carter informed agents of his observations and the direction of
22 travel of the Intrepid.

23 Agent Carter followed GARCIA northbound on Menvielle Road. GARCIA turned
24 eastbound on Highway 98. Agent Carter followed GARCIA eastbound on Highway 98 towards
25 Highway 7. As GARCIA passed the intersection of Highway 98 and Highway 7, Agent
26 Hernandez followed GARCIA.

27 Agent Hernandez continued following GARCIA eastbound on Highway 98. GARCIA
28 turned northbound on Keffer Road. Agent Hernandez activated his service vehicle's emergency
29

1 equipment consisting of lights and siren. GARCIA failed to yield and continued driving
2 northbound on Keffer Road. Agent Mills, who was positioned on Keffer Road approximately
3 one mile north of Highway 98, successfully deployed the Controlled Tire Deflation Device.
4 GARCIA continued traveling northbound for approximately one hundred yards and attempted to
5 make a sharp right turn onto a field road. GARCIA lost control of the vehicle and rolled over
6 into an open agricultural field.

7 Agents approached the Dodge Intrepid and observed five individuals lying on the ground
8 surrounding the Intrepid. Agent Carter approached the driver's side door and saw Mariano
9 GARCIA-Barrera, still seated behind the steering wheel.

10 At the hospital, Agent Templin identified himself as a United States Border Patrol Agent
11 to each of the five suspected illegal aliens. Agent Templin questioned all of the five subjects
12 regarding their citizenship. All five subjects claimed to be citizens of Mexico illegally in the
13 United States. Agent Templin placed all five subjects under arrest. Agent Carter identified
14 himself as a United States Border Patrol Agent to GARCIA and questioned him as to his
15 citizenship. GARCIA claimed to be a citizen of Mexico illegally in the United States. Agent
16 Carter placed GARCIA under arrest for Alien Smuggling.

17 At the station, Agent Hernandez advised Mariano GARCIA-Barrera of his Miranda rights
18 in the Spanish language.

19 Material Witnesses, Constantino ESCAMILLA-Ortiz, Antonio VALENZUELA-
20 Gonzalez, and Guillermo MATA-Valles stated they are citizens of Mexico illegally in the United
21 States. Constantino ESCAMILLA-Ortiz, Antonio VALENZUELA-Gonzalez, and Guillermo
22 MATA-Valles, stated they crossed the United States/Mexico International border illegally by
23 using a foot guide, who guided them across the border and led them to a fence into the United
24 States, where they were picked up by a car. Constantino ESCAMILLA-Ortiz, Antonio
25 VALENZUELA-Gonzalez, and Guillermo MATA-Valles, were shown a six pack photo line up
26 and positively identified Mariano GARCIA-Barrera as the driver of the vehicle.

27 Material Witnesses Alcelmo SANCHEZ-Salazar and Silvia SANCHEZ-Juarez, husband
28 and wife, were taken to the San Diego Medical Center in La Jolla, California, due to major
29 injuries sustained during the rollover of the Dodge Intrepid. Both SANCHEZ-Juarez and

1 SANCHEZ-Salazar were ejected from the vehicle driven by Mariano GARCIA-Barrera. Silvia
2 SANCHEZ-Juarez has a broken neck, ruptured spleen, and lacerated liver. Alcelmo SANCHEZ-
3 Salazar has a broken back.

4 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Constantino ESCAMILLA-Ortiz	Mexico
Antonio VALENZUELA-Gonzalez	Mexico
Guillermo MATA-Valles	Mexico
Silvia SANCHEZ-Juarez	Mexico
Alcelmo SANCHEZ-Salazar	Mexico

10 Further, complainant states that Constantino ESCAMILLA-Ortiz, Antonio
11 VALENZUELA-Gonzalez, Guillermo MATA-Valles, Silvia SANCHEZ-Juarez and Alcelmo
12 SANCHEZ-Salazar are citizens of a country other than the United States; that said aliens have
13 admitted that they are deportable; that their testimony is material, that it is impracticable to
14 secure their attendance at the trial by subpoena; and they are material witnesses in relation to this
15 criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code,
16 Section 3144.